

BRIAN E. MIDDLEBROOK
BMIDDLEBROOK@GRSM.COM
DIRECT DIAL: (212) 453-0778

JOHN T. MILLS
JTMILLS@GRSM.COM
DIRECT DIAL: (212) 453-0708

GORDON & REES
SCULLY MANSUKHANI
YOUR 50 STATE PARTNER™

ATTORNEYS AT LAW
1 BATTERY PARK PLAZA, 28TH FLOOR
NEW YORK, NY 10004
WWW.GRSM.COM

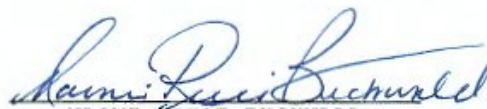
November 4, 2022

Application granted.

SO ORDERED.

VIA ECF

The Honorable Naomi Reice Buchwald
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 21A
New York, NY 10007


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Dated: November 4, 2022
New York, NY

Re: *Kevin Vandermark v. Mason Tenders Council Welfare Fund, et al.*
Case No.: 22-cv-06849

Dear Judge Buchwald:

This firm was recently retained to represent the interests of Defendants Mason Tenders Council Welfare, Annuity and Pension Funds (collectively “Defendants”) in the above-referenced action. We write jointly with Plaintiff and pursuant to Section 1.E. of Your Honor’s Individual Practice Rules to respectfully request a stay of this matter and a stay of Defendants’ time to answer, move, or otherwise respond to the Complaint.

Defendants’ deadline to answer, move or otherwise respond to the Complaint is presently November 4, 2022. *See* Dkt. No. 20. The parties have been discussing potential resolution of the matter and are in the process of scheduling a mediation. Given mediator availability and the upcoming holidays, the mediation is likely to take place in January 2023. Thus, the parties respectfully request that the matter be stayed and that Defendants’ time to answer, move or otherwise respond to the Complaint be stayed up to and including January 31, 2023 so that the parties can focus their efforts on discussing potential resolution of the matter and the upcoming mediation. The parties will continue to keep the Court apprised as to the status of these efforts and the outcome of the mediation.

While this is the third request by Defendants for an extension of time to answer, move or otherwise respond to the Complaint, this is the first request of this nature, does not affect any other scheduled dates, and, as noted above, Plaintiff consents to and joins in this request.

Accordingly, we respectfully request the Court enter a stay of this matter and a stay of Defendants’ time to answer, move or otherwise respond to the Complaint up to and including January 31, 2023, together with such other and further relief as the Court may deem proper.

We appreciate the Court's attention to this matter. Should Your Honor have any questions or require additional information, please do not hesitate to contact the undersigned.

Respectfully Submitted,

GORDON REES SCULLY MANSUKHANI, LLP
*Attorneys for Defendants Mason Tenders Council
Welfare, Annuity and Pension Funds*

/s/ John Mills

John T. Mills

MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN, PLLC
Attorneys for Plaintiff

/s/ Gary Klinger

Gary M. Klinger

CC: Counsel for all parties via ECF